

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KNIGHT FIRST AMENDMENT INSTITUTE  
AT COLUMBIA UNIVERSITY,

Plaintiff,

-v-

CENTERS FOR DISEASE CONTROL AND  
PREVENTION, UNITED STATES  
DEPARTMENT OF HEALTH AND HUMAN  
SERVICES,

Defendants.

20 Civ. 2761 (AT)

**STIPULATION OF  
SETTLEMENT AND  
DISMISSAL**

WHEREAS, plaintiff Knight First Amendment Institute at Columbia University (“Plaintiff”) filed this suit in the United States District Court for the Southern District of New York pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, seeking the release of certain records by defendants Centers for Disease Control and Prevention (“CDC”) and United States Department of Health and Human Services (“HHS”; together, “Defendants”);

WHEREAS, following motion practice and subsequent negotiations, CDC released certain records to Plaintiff between June 9, 2020, and October 16, 2023, subject to partial redaction pursuant to FOIA Exemption 5;

WHEREAS, the Parties agree that the only remaining issue in this matter concerns Plaintiff’s claim for attorneys’ fees and litigation costs pursuant to 5 U.S.C. § 552(a)(4)(E); and

WHEREAS, the Parties agree that CDC’s payment to Plaintiff of the amount specified in Paragraph 1 below will upon receipt by Plaintiff fully resolve this action and warrant dismissal with prejudice;

IT IS HEREBY STIPULATED, AGREED, and ORDERED as follows:

1. After the Court has approved and docketed this Stipulation and Order, Counsel for Plaintiff will provide the necessary information for CDC to effectuate payment. As soon as reasonably practicable after Plaintiff's provision of necessary information to effectuate payment, CDC shall pay to Plaintiff via electronic funds transfer the sum of ONE HUNDRED AND THIRTY FIVE THOUSAND FOUR HUNDRED DOLLARS (\$135,400) in attorneys' fees and litigation costs, pursuant to 5 U.S.C. § 552(a)(4)(E), which sum, Plaintiff agrees, will upon receipt completely satisfy any and all claims by Plaintiff against the United States, or any department, agency, officer, or employee of CDC, HHS, and/or the United States, arising out of the FOIA request at issue in this action, including for attorneys' fees, expenses, costs, interest, and any other sums related to this litigation.

2. This action is hereby dismissed with prejudice, and without costs or fees other than as provided in Paragraph 1 of this Stipulation and Order, provided that the Court shall retain jurisdiction for the purpose of enforcing this Stipulation and Order.

3. This Stipulation and Order shall not constitute an admission of liability or fault on the part of CDC, HHS, or the United States or their agents, servants, or employees, and is entered into by both parties for the sole purpose of compromising disputed claims and avoiding the expenses and risks of further litigation.

4. The parties agree that this Stipulation and Order is non-precedential with respect to any other proceeding against CDC, HHS, the United States, or any agency or instrumentality of the United States.

5. The parties understand and agree that this Stipulation and Order contains the entire agreement between them, and that no statements, representations, promises, agreements, or negotiations, oral or otherwise, between the parties or their counsel that are not included herein shall be of any force or effect.

Dated: April 19, 2024  
New York, New York

DAMIAN WILLIAMS  
United States Attorney

By: 

LUCAS ISSACHAROFF  
Assistant United States Attorney  
86 Chambers Street, 3rd Floor  
New York, New York 10007  
Tel.: (212) 637-2737  
Lucas.Issacharoff@usdoj.gov  
*Counsel for Defendants*

Dated: April 19, 2024  
New York, New York

By: 

ANNA DIAKUN  
Knight First Amendment Institute at  
Columbia University  
475 Riverside Drive, Suite 302  
New York, New York 10115  
Tel.: (646) 745-8500  
Anna.Diakun@knightcolumbia.org  
*Counsel for Plaintiff*

SO ORDERED:

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HONORABLE ANALISA TORRES  
UNITED STATES DISTRICT JUDGE